

REMARKS

This Amendment cancels claims 9-12, amends claims 1-3, 5 and 7, and adds new claims 13-15. The changes to claim 1 are editorial. The amendment of claim 2 replaces the archaic term "natrium" with the current term (sodium), while claim 5 has been amended to properly name the polymer of hydroxyproline. The change to claim 7 is editorial. New claim 13 is a combination of claims 7 and 8, while new claim 14 is supported by page 11, line 19 and claim 15 is supported by page 3, lines 27-29. Claims 1-8 and 13-15 are pending.

Examiner Yoon is thanked for his helpful suggestions regarding claim amendments. Claim 2 has been amended in accordance with his suggestion.

This Amendment overcomes the 35 U.S.C. § 101 rejection of claims 10-12. These claims have been canceled. Reconsideration and withdrawal of the non-statutory subject matter rejection of claims 10-12 are earnestly requested.

This Amendment overcomes the 35 U.S.C. § 112, second paragraph, rejection of claims 3, 5 and 7. Claim 7 has been amended in accordance with the Examiner's helpful suggestion, "modified cellulose fibers" has been deleted from claim 3, and

"poly-OH-proline" has been changed to --polyhydroxyproline-- in claim 5. Reconsideration and withdrawal of the indefiniteness rejection of claims 3, 5 and 7 are earnestly requested.

The 35 U.S.C. § 102(e) rejection of claims 1, 3, 4, and 6-9 over U.S. Patent No. 6,596,373 to Kishi et al. is traversed. The claimed prepreg includes bioactive particles. Kishi et al. fails to disclose or suggest that its powdered silica particles are bioactive. Contrary to the statement in the Official Action, bioactive is a functional claim limitation which does not require further definition to those of ordinary skill in the medical and dental fields. Reconsideration and withdrawal of the anticipation rejection of claims 1, 3, 4, and 6-9 over Kishi et al. are earnestly requested.

The alternative 35 U.S.C. § 103(a) rejection of claims 1, 3, 4 and 6-9 over Kishi et al. is also traversed. Kishi et al. discloses epoxy resin based prepreg materials for use in aircraft, motor vehicle and industrial applications. One of ordinary skill in the art has no motivation or apparent reason to modify Kishi et al. by using a bioactive silica filler in its prepreg. Reconsideration and withdrawal of the obviousness rejection of claims 1, 3, 4 and 6-9 over Kishi et al. are earnestly requested.

The 35 U.S.C. § 103(a) rejection of claims 1 and 3-9 over Kishi et al. in view of U.S. Patent No. 6,616,971 to Evans is also traversed. The claimed prepreg includes a base part comprising fibers and a matrix, said matrix being at least partially uncured, at least one surface part consisting essentially of bioactive filler material, the bioactive filler material being in particle form and partially embedded in the base part.

The cited combination of references fails to raise a prima facie case of obviousness against the claimed prepreg. As discussed above, Kishi et al. fails to disclose or suggest that its powdered silica particles are bioactive.

The deficiencies of Kishi et al. are not remedied by the additional disclosure of Evans, which also fails to disclose or suggest the bioactive particle filler of the claimed prepreg. Instead, Evans teaches introducing small polymer particles between individual fibers followed by fusing the polymer particles together to form a matrix embedding the fibers. The Evans' prepreg can be used to make high strength composites suitable for military aircraft.

Evans does not provide one of ordinary skill in the art with any motivation or apparent reason to modify Kishi et al. by using

a bioactive silica filler. Reconsideration and withdrawal of the obviousness rejection of claims 1 and 3-9 over Kishi et al. in view of Evans are earnestly requested.

The 35 U.S.C. § 103(a) rejection of claims 1-9 over Kishi et al. in view of U.S. Patent No. 5,902,755 to Driggett et al. is traversed. The claimed prepreg includes a base part comprising fibers and a matrix, said matrix being at least partially uncured, at least one surface part consisting essentially of bioactive filler material, the bioactive filler material being in particle form and partially embedded in the base part.

The cited combination of references fails to raise a prima facie case of obviousness against the claimed prepreg. Kishi et al. fails to disclose or suggest that its powdered silica particles should be bioactive.

The deficiencies of Kishi et al. are not remedied by the additional disclosure of Driggett et al., which also fails to disclose the bioactive particle filler of the claimed prepreg. Instead, Driggett et al. discloses high strength composite materials which include borosilicate or sodium tetra borate glass particles contained in an organic matrix resin reinforced with carbon fiber or other high tensile strength fibers. The Driggett

et al. composite materials are said to be chemically resistant, acid resistant and suitable for toxic waste storage.

One of ordinary skill in the art is provided no motivation or apparent reason modify Kishi et al. by using a bioactive silica filler. Reconsideration and withdrawal of the obviousness rejection of claims 1 and 3-9 over Kishi et al. in view of Driggett et al. are earnestly requested.

New dependent claims 13-15 are patentable over the cited references for at least the reasons discussed above.

It is believed this application is in condition for allowance. Reconsideration and withdrawal of all rejections of claims 1-12, and issuance of a Notice of Allowance directed to claims 1-8 and 13-15, are earnestly requested. The Examiner is urged to telephone the undersigned should he believe any further action is required for allowance.

It is not believed any fee is required for entry and consideration of this Amendment. Nevertheless, the Commissioner is

U.S. Patent Appln. S.N. 10/558,274
AMENDMENT

PATENT

authorized to charge our Deposit Account No. 50-1258 in the amount
of any such required fee.

Respectfully submitted,

/James C. Lydon/

James C. Lydon
Reg. No. 30,082

Atty. Case No.: **TUR-174**
100 Daingerfield Road, Suite 100
Alexandria, Virginia 22314
Telephone: (703) 838-0445
Facsimile: (703) 838-0447